

HOUSE BILL No. 1082

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-1.

Synopsis: Withholding judgment of conviction. Provides that in certain circumstances, a court may withhold judgment of conviction.

Effective: July 1, 2003.

Weinzapfel

January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1082

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-38-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) **Except as**
3 **provided in section 1.5 of this chapter**, after a verdict, finding, or plea
4 of guilty, if a new trial is not granted, the court shall enter a judgment
5 of conviction.
6 (b) When the court pronounces the sentence, the court shall advise
7 the person that the person is sentenced for not less than the earliest
8 release date and for not more than the maximum possible release date.
9 SECTION 2. IC 35-38-1-1.5 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2003]: Sec. 1.5. (a) **A court may withhold judgment of conviction**
12 **for not more than three (3) years for a Class D felony that qualifies**
13 **for consideration as a Class A misdemeanor under IC 35-50-2-7.**
14 (b) **Notwithstanding any other law, a person for whom**
15 **judgment is withheld under this section shall be sentenced as**
16 **provided in this chapter and, in all other respects, as if judgment**
17 **of conviction were entered by the court.**

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IN 1082—LS 6234/DI 105+



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- 1 (c) This section may not be construed to diminish or alter the
- 2 rights of a victim (as defined in IC 35-40-4-8) in a sentencing
- 3 proceeding under this chapter.

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